

AMENDED IN ASSEMBLY JUNE 21, 2000

AMENDED IN SENATE MARCH 28, 2000

SENATE BILL

No. 1896

Introduced by Senator Ortiz

February 24, 2000

An act to ~~amend Section 1566.4 of~~ *add and repeal Sections 1566.45, 1568.0832, and 1569.88 to the Health and Safety Code,* relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1896, as amended, Ortiz. Community care facilities: small family homes.

Existing law provides for the licensure and regulation of community care facilities, ~~including small family homes, residential care facilities for persons with chronic life-threatening illness, and residential care facilities for the elderly~~ by the State Department of Social Services. ~~Existing law defines a small family home as a residential facility that provides 24-hour care for 6 or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities.~~

~~Existing law prohibits a residential facility that serves 6 or fewer persons from being categorized in a manner that implies that the residential facility is a business run for profit or differs in any other way from a family dwelling for purposes of all local ordinances. Existing law prohibits any conditional use permit, zoning variance, or other zoning clearance from~~

~~being required of a residential facility that serves 6 or fewer persons that is not required of a family dwelling of the same type in the same zone.~~

~~Existing law prohibits a fire inspection clearance or other permit, license, clearance, or similar authorization from being denied to any residential facility because of failure to comply with local ordinances from which the facility is exempt under the above provisions regulating local ordinances and zoning laws, provided the applicant otherwise qualifies for the fire clearance, license, permit, or similar authorization.~~

~~This bill would prohibit a small family home from being denied a fire clearance because of a failure to comply with any local or state fire safety requirements and related building standards enforced by a local or state fire enforcing authority that are not required of a family dwelling.~~

Existing law requires the State Fire Marshal to enforce all laws and ordinances, any rules and regulations adopted under the Health and Safety Code, and building standards adopted by the State Fire Marshall and published in the State Building Standards Code relating to fire prevention and protection.

This bill would require the department and the office of the State Fire Marshal each, in consultation with the State Department of Developmental Services, to promulgate departmental regulations consistent with the regulatory requirements of the California Building Standards Code for fire and life safety for the respective occupancy classifications into which the State Department of Social Services' community care licensing classifications fall. The bill would become inoperative upon the execution by the Director of Social Services of a declaration that regulations that implement the bill have been adopted and would be repealed the following January 1.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~
yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1566.4 of the Health and Safety~~

2

1 *SECTION 1. Section 1566.45 is added to the Health*
2 *and Safety Code, immediately following Section 1566.4, to*
3 *read:*

4 1566.45. (a) *The department and the office of the*
5 *State Fire Marshal, in consultation with the State*
6 *Department of Developmental Services, shall each*
7 *promulgate regulations, to apply facilities regulated*
8 *under this chapter, consistent with the regulatory*
9 *requirements of the California Building Standards Code*
10 *for fire and life safety for the respective occupancy*
11 *classifications into which the State Department of Social*
12 *Services' community care licensing classifications fall.*
13 *These regulations shall do, at a minimum, both of the*
14 *following with regard to a residential care facility that*
15 *provides care for six or fewer clients, at least one of whom*
16 *is bedridden:*

17 (1) *Clarify the fire and life safety requirements for a*
18 *fire clearance for the facility.*

19 (2) *Identify procedures for requesting the approval of*
20 *alternative means of providing equivalent levels of fire*
21 *and life safety protection. The office of the State Fire*
22 *Marshal shall issue regulations to identify alternative*
23 *means of protection in this situation. The regulations shall*
24 *include the requirement that the facility demonstrate to*
25 *the satisfaction of the local fire authority that all clients*
26 *can be safely evacuated from the facility in the case of an*
27 *emergency.*

28 (b) *This section shall become inoperative on the date*
29 *that the Director of Social Services executes a declaration*
30 *that regulations implementing this section have been*
31 *adopted, and, as of the January 1, following the date of the*
32 *execution of the declaration, is repealed, unless a later*
33 *enacted statute that is enacted before that date, deletes*
34 *or extends the dates on which it becomes inoperative and*
35 *is repealed.*

36 SEC. 2. *Section 1568.0832 is added to the Health and*
37 *Safety Code, immediately following Section 1568.0831, to*
38 *read:*

39 1568.0832. (a) *The department and the office of the*
40 *State Fire Marshal, in consultation with the State*

1 Department of Developmental Services, shall each
2 promulgate regulations, to apply to facilities regulated
3 under this chapter, consistent with the regulatory
4 requirements of the California Building Standards Code
5 for fire and life safety for the respective occupancy
6 classifications into which the State Department of Social
7 Services' community care licensing classifications fall.
8 These regulations shall do, at a minimum, both of the
9 following with regard to a residential care facility that
10 provides care for six or fewer clients, at least one of whom
11 is bedridden:

12 (1) Clarify the fire and life safety requirements for a
13 fire clearance for the facility.

14 (2) Identify procedures for requesting the approval of
15 alternative means of providing equivalent levels of fire
16 and life safety protection. The office of the State Fire
17 Marshal shall issue regulations to identify alternative
18 means of protection in this situation. The regulations shall
19 include the requirement that the facility demonstrate to
20 the satisfaction of the local fire authority that all clients
21 can be safely evacuated from the facility in the case of an
22 emergency.

23 (b) This section shall become inoperative on the date
24 that the Director of Social Services executes a declaration
25 that regulations implementing this section have been
26 adopted, and, as of the January 1, following the date of the
27 execution of the declaration, is repealed, unless a later
28 enacted statute that is enacted before that date, deletes
29 or extends the dates on which it becomes inoperative and
30 is repealed.

31 SEC. 3. Section 1569.88 is added to the Health and
32 Safety Code, immediately following Section 1569.87, to
33 read:

34 1569.88. (a) The department and the office of the
35 State Fire Marshal, in consultation with the State
36 Department of Developmental Services, shall each
37 promulgate regulations, to apply to facilities regulated
38 under this chapter, consistent with the regulatory
39 requirements of the California Building Standards Code
40 for fire and life safety for the respective occupancy

1 *classifications into which the State Department of Social*
2 *Services' community care licensing classifications fall.*
3 *These regulations shall do, at a minimum, both of the*
4 *following with regard to a residential care facility that*
5 *provides care for six or fewer clients, at least one of whom*
6 *is bedridden:*

7 *(1) Clarify the fire and life safety requirements for a*
8 *fire clearance for the facility.*

9 *(2) Identify procedures for requesting the approval of*
10 *alternative means of providing equivalent levels of fire*
11 *and life safety protection. The office of the State Fire*
12 *Marshal shall issue regulations to identify alternative*
13 *means of protection in this situation. The regulations shall*
14 *include the requirement that the facility demonstrate to*
15 *the satisfaction of the local fire authority that all clients*
16 *can be safely evacuated from the facility in the case of an*
17 *emergency.*

18 *(b) This section shall become inoperative on the date*
19 *that the Director of Social Services executes a declaration*
20 *that regulations implementing this section have been*
21 *adopted, and, as of the January 1, following the date of the*
22 *execution of the declaration, is repealed, unless a later*
23 *enacted statute that is enacted before that date, deletes*
24 *or extends the dates on which it becomes inoperative and*
25 *is repealed.*

26 *SEC. 4. The State Department of Social Services and*
27 *the State Fire Marshal may adopt emergency regulations*
28 *to implement Sections 1566.45, 1568.0832, and 1569.88 of*
29 *the Health and Safety Code in accordance with Chapter*
30 *3.5 (commencing with Section 11340) of Part 1 of Division*
31 *3 of Title 2 of the Government Code. The adoption of*
32 *emergency regulations pursuant to this section shall be*
33 *deemed an emergency and considered by the Office of*
34 *Administrative Law as necessary for the immediate*
35 *preservation of the public peace, health, safety, and*
36 *general welfare.*

37 *Code is amended to read:*

38 ~~1566.4. (a) No fire inspection clearance or other~~
39 ~~permit, license, clearance, or similar authorization shall~~
40 ~~be denied to a residential facility because of a failure to~~

1 ~~comply with local ordinances from which the facilities are~~
2 ~~exempt under Section 1566.3, provided that the applicant~~
3 ~~otherwise qualifies for the fire clearance, license, permit,~~
4 ~~or similar authorization.~~

5 ~~(b) A small family home, as defined in paragraph (6)~~
6 ~~of subdivision (a) of Section 1502, shall not be denied a~~
7 ~~fire clearance because of a failure to comply with any~~
8 ~~local or state fire safety requirements and related~~
9 ~~building standards enforced by a local or state fire~~
10 ~~enforcing authority that are not required of a family~~
11 ~~dwelling.~~

